



08-15-03

3731

293/002 Div. 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David S. Goldsteen et al.

Application No. : 09/955,244 Confirmation No. 1651

Filed : September 17, 2001

For : MEDICAL GRAFTING METHODS AND APPARATUS

Group Art Unit : 3731

Examiner : Michael H. Thaler

TC 3700 MAIL ROOM
AUG 19 2003
RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

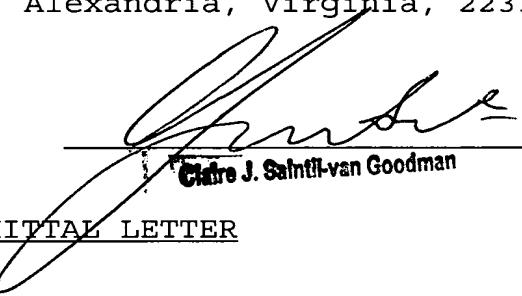
New York, New York
August 13, 2003

EXPRESS MAIL CERTIFICATION

Express Mail Label No.: EV132189359US

Date of Deposit: August 13, 2003

I hereby certify that the papers listed below are being deposited with the United Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.


Claire J. Santill-van Goodman

TRANSMITTAL LETTER

Sir:

Transmitted herewith: a Reply to Office action; and a Petition under 37 C.F.R. § 1.136(a) for Extension of Time; to be filed in the above-identified patent application.

FEE FOR ADDITIONAL CLAIMS

A fee for additional claims is not required.

A fee for additional claims is required.

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	* =	X \$ 18	= \$
INDEPENDENT CLAIMS	-	** =	X \$ 84	= \$
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+ \$ 280	= \$

A check in the amount of \$____ in payment of the filing fee is transmitted herewith.

[X] The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

[] Please charge \$_____ to Deposit Account No. 06-1075
in payment of the filing fee. A duplicate copy of
this transmittal letter is transmitted herewith.

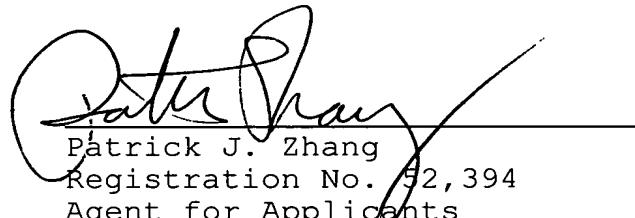
EXTENSION FEE

[X] The following extension is applicable to the Response filed herewith; [X] \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); [] \$410.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); [] \$930.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); [] \$1,450.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); \$1,970.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).

A check in the amount of [X] \$110.00; [] \$410.00; [] \$930.00; [] \$1,450.00; [] \$1,970.00 in payment of the extension fee is transmitted herewith.

The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

Please charge the [] \$110.00; [] \$410.00; [] \$930.00; [] \$1,450.00; [] \$1,970.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.



Patrick J. Zhang
Registration No. 52,394
Agent for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000



Express Mail No.
EV132189359US

293/002 Div. 8-21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David S. Goldsteen et al. *FIGS*

Application No.: 09/955,244 Confirmation No.: 1651

Filed : September 17, 2001

For : MEDICAL GRAFTING METHODS AND APPARATUS

Group Art Unit : 3731

Examiner : Michael H. Thaler

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

TC 3700 MAIL ROOM

RECEIVED
AUG 19 2003

REPLY TO OFFICE ACTION

Applicants hereby reply to the Office Action mailed on June 17, 2003, which did not address the merits of the above-identified patent application, but required an election of species.

Claims 1-27 are pending in the above-identified patent application. The Examiner has determined that there are allegedly two patentably distinct species of the claimed invention described in the above-identified application, and has required applicants to select one species for prosecution.

The species identified by the Examiner are:

Species 1: FIGS. 1-4

Species 2: FIGS. 5 and 7a-8a.

Applicants hereby elect to prosecute Species 2:
FIGS. 5 and 7a-8a, as required under 35 U.S.C. § 121. The
claims readable on the species elected above are claims 1
and 12-27.

Applicants understand that, pursuant to 37 C.F.R.
§ 1.141, if no generic claim is allowed, the application
will be restricted to the limits of the elected claims.
However, if a generic claim is allowed, the non-elected
species will rejoin this application. Applicants
acknowledge that the Examiner currently finds claim 1 to be
generic.

Applicants have elected for examination a single
claimed species of the claimed invention, as required by
the Examiner. An early and favorable action is
respectfully requested.

Respectfully submitted,



Patrick J. Zhang
Registration No. 52,394
Agent for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000